

FILED

JUL 10 2012

JAMES BONINI, Clerk
CINCINNATI, OHIO

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

CHELSEA BISHOP)
Plaintiff,)
vs.) Civil Action No. 1:12-cv-524 HJW
ACCOUNTS RECEIVABLE MANAGEMENT, INC.)
Defendant,)

)

COMPLAINT AND DEMAND FOR JURY TRIAL

CHELSEA BISHOP, ("Plaintiff"), through the undersigned counsel, SHAWN CORMIER-WARREN, alleges the following against ACCOUNTS RECEIVABLE MANAGEMENT, INC., ("Defendant"):

INTRODUCTION

1. This is an action for actual and statutory damages brought by plaintiff Chelsea Bishop, an individual consumer, against defendant Accounts Receivable Management, Inc. for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter "FDCPA"), which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d), and 28 U.S.C. § 1331 and 1337. Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

PARTIES

3. Plaintiff, Chelsea Bishop is a consumer, a natural person allegedly obligated to pay any debt, residing in the state of Ohio.

4. Defendant, Accounts Receivable Management, Inc. is a foreign corporation engaged in the business of collecting debt in this state with its principal place of business located Accounts Receivable Management, Inc., 155 Mid Atlantic Parkway, Thorofare, New Jersey 08086. The principal purpose of Defendant is the collection of debts in this state and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. Upon information and belief, within one year prior to the filing of this complaint, Defendant placed collection calls to Plaintiff, seeking and demanding payment for an alleged consumer debt owed under an account number.

7. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

8. Upon information and belief, Defendant began contacting Plaintiff and placing collection calls to Plaintiff before June 28, 2012.

9. Upon information and belief, within one year prior to the filing of this complaint, Defendant threatened to garnish Plaintiff's social security disability benefits itself, when it cannot do so.

10. Upon information and belief, within one year prior to the filing of this complaint, Defendant mislead Plaintiff, by demanding payment from Plaintiff in communications that were within the first thirty days from the first initial communication with Plaintiff without also stating that Plaintiff still had an opportunity to dispute and/or seek validation for the alleged debt; overshadowing Plaintiff's rights to dispute and/or seek validation for the alleged debt.

11. As a result of the acts alleged above, Plaintiff suffered emotional distress resulting in her feeling stressed, amongst other negative emotions.

CLAIM FOR RELIEF

12. Plaintiff Chelsea Bishop repeats and realleges and incorporates by reference to the foregoing paragraphs.

13. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

- (a) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt; and
- (b) Defendant violated §1692e(10) of the FDCPA by using false, deceptive, or misleading representation or means in connection with the collection of Plaintiff's alleged debt; and
- (c) Defendant violated §1692e(2)(B) of the FDCPA by falsely representing the services rendered or compensation which may be lawfully received by the Defendant for the collection of the alleged debt; and
- (d) Defendant violated §1692e(5) of the FDCPA by threatening to take action that it did not intend to take.

14. Defendant's acts as described above were done intentionally with the purpose of coercing Chelsea Bishop to pay the alleged debt.

15. As a result of the foregoing violations of the FDCPA, Defendant is liable to the plaintiff Chelsea Bishop for actual damages, statutory damages, and costs and attorney fees.

WHEREFORE, Plaintiff CHELSEA BISHOP respectfully requests that judgment be entered against Defendant ACCOUNTS RECEIVABLE MANAGEMENT, Inc. for the following:

- A. Actual damages.
- B. Statutory damages pursuant to 15 U.S.C. § 1692k.
- C. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k.
- D. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that plaintiff CHELSEA BISHOP demands trial by jury in this action.

This 9th day of July, 2012.

BY: /s/ Shawn Cormier-Warren
SHAWN CORMIER-WARREN
P.O. Box 361792
Strongville, OH 44136
Phone: (216)401-8714
Email: shawnlawmom@yahoo.com

Attorney for Plaintiff

Of Counsel to:
Alex Simanovsky & Associates, LLC
2300 Henderson Mill Road, Suite 300
Atlanta, GA 30345
Phone: (770) 414-1002, Ext. 1012
Fax: (770) 414-9891